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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Letter dated 29 October 1992 from the Chairman of the Third Committee addressed to the President of the General Assembly

In connection with the report of the Secretary-General entitled "Request to the United Nations to observe the referendum process in Eritrea" (A/47/544), I request that the following letters be circulated as documents of the forty-seventh session of the General Assembly, under agenda item 97 (b):

(a) Letter dated 11 June 1992 from the Secretary-General addressed to the President of the General Assembly (annex I);

(b) Letter dated 13 December 1991 from the President of the Transitional Government of Ethiopia addressed to the Secretary-General (annex II);

(c) Letter dated 19 May 1992 from the Referendum Commissioner of Eritrea addressed to the Secretary-General (annex III).

(Signed) Florian KRENKEL
Chairman of the Third Committee

Annex I

LETTER DATED 11 JUNE 1992 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE GENERAL ASSEMBLY

The General Assembly has had a historical involvement with issues pertaining to the political status of Eritrea. Recently, several Member States, including members of the European Community, the Nordic countries, the United States of America and Austria, have approached me to urge support for a United Nations role with regard to a referendum planned for 1993 in Eritrea. In view of the previous involvement of the Assembly and the renewed interest on the part of Member States, I consider it appropriate to apprise the Assembly of the following developments.

By a letter dated 13 December 1991 (annex II), Mr. Meles Zenawi, President of the Transitional Government of Ethiopia, provided information about the decisions of a Conference on Peace and Democracy in Ethiopia, held at Addis Ababa from 1 to 5 July 1991. That Conference had adopted a Charter affirming that freedom, equal rights and self-determination of all peoples are the cardinal principles governing state affairs in the new Ethiopia. In the light of this, the Conference formally recognized that the people of Eritrea have the right to determine their own future by themselves, and accepted that the future status of Eritrea should be decided by the Eritrean people in a referendum to be conducted in the presence of international observers.

Both the Transitional Government of Ethiopia and the Provisional Government of Eritrea had registered their commitment to respect the results of the referendum in Eritrea as the genuine choice of the people concerned, expressed in an exercise of self-determination. The Transitional Government of Ethiopia believed that the United Nations should play an active role in verifying that the referendum is, indeed, free and fair. The Transitional Government therefore requested that appropriate measures be initiated to enable the United Nations to play this role and make the necessary arrangements with the Provisional Government of Eritrea to facilitate the ways and means for United Nations supervision of the referendum.

Following receipt of the above-mentioned letter, contacts were undertaken with the Transitional Government of Ethiopia and the Provisional Government of Eritrea in order to clarify the nature of the United Nations involvement sought. Under-Secretary-General James O. C. Jonah met twice with the President of the Transitional Government of Ethiopia and has also been in touch with representatives of the Provisional Government of Eritrea. Pursuant to those contacts, further clarifications were obtained regarding the United Nations role envisaged.

By a letter dated 19 May 1992 (annex III), the Referendum Commissioner of Eritrea invited me "to send a delegation of the United Nations Organization to observe, and to verify the freeness, fairness and impartiality of the entire referendum process from its beginning in July 1992 to its completion in April 1993".

Taking into account the historical involvement of the General Assembly with the political evolution of Eritrea and the express invitation from both the Transitional Government of Ethiopia and the Referendum Commissioner of Eritrea, as well as the recent General Assembly resolution on the subject of electoral assistance to Member States at their request, the Assembly may wish, following informal consultations among the regional groups as may be required, to authorize involvement by the United Nations in the referendum in Eritrea. In the meantime, in view of the need for further information on which the General Assembly may base its decision and the limited time remaining before the referendum process starts in July 1992, I am dispatching a technical team to gather information for the preparation of a report to be submitted to the General Assembly on the details of potential involvement by the United Nations in the referendum in Eritrea.

(Signed) Boutros BOUTROS-GHALI

Annex II

LETTER DATED 13 DECEMBER 1991 FROM THE PRESIDENT OF THE TRANSITIONAL GOVERNMENT OF ETHIOPIA ADDRESSED TO THE SECRETARY-GENERAL

As Your Excellency is well aware, the transitional period in Ethiopia highlights the task of redressing the causes of the 30-year civil war in Eritrea and of establishing the basis of permanent peace and stability.

It is to be recalled that the Conference on Peace and Democracy in Ethiopia, held at Addis Ababa from 1 to 5 July 1991, adopted a Charter affirming that freedom, equal rights and self-determination of all peoples are the cardinal principles governing State affairs in the new Ethiopia. In the light of this, the Conference formally recognized that the people of Eritrea have the right to determine their own future by themselves, and accepted that the future status of Eritrea should be decided by the Eritrean people in a referendum to be conducted in the presence of international observers. The Provisional Government of Eritrea set up by the Eritrean People's Liberation Front (EPLF), on its part, decided to defer the referendum for two years which, we believe, contributes to the maintenance of peace and stability in our subregion. At the same time, agreement was reached on the modalities of the relationship between the Transitional Government of Ethiopia and the Provisional Government of Eritrea for the interim period.

Both the Transitional Government of Ethiopia and the Provisional Government of Eritrea have registered their commitment to respect the results of the referendum in Eritrea as the genuine choice of the people concerned, expressed in an exercise of self-determination.

The Transitional Government of Ethiopia, as an interested party in the outcome of the referendum, has the firm conviction that the referendum will be free and fair, and believes that the United Nations should play an active role in verifying that the referendum is, indeed, free and fair.

In this regard, the Transitional Government of Ethiopia wishes to bring to the attention of Your Excellency the need to initiate appropriate measures to enable the United Nations to play this role and make the necessary arrangements with the Provisional Government of Eritrea to facilitate the ways and means for United Nations supervision of the referendum. The Transitional Government of Ethiopia also wishes to point out that the time available for preparation in this regard is very short.

(Signed) Meles ZENAWI
President of the Transitional
Government of Ethiopia

Annex III

LETTER DATED 19 MAY 1992 FROM THE REFERENDUM COMMISSIONER OF ERITREA ADDRESSED TO THE SECRETARY-GENERAL

In May 1991, the newly formed Provisional Government of Eritrea, meeting in London with delegations from Ethiopia under the auspices of the Government of the United States of America, reaffirmed its commitment to the holding of a referendum on the future of Eritrea within two years. The referendum is regarded as the culmination of all-Eritrean efforts to transform into reality the principles and purposes that had underlined the struggle of the Eritrean people.

The Conference on Peace and Democracy, organized by the Transitional Government of Ethiopia in July 1991 and attended by almost all the political parties, movements and social organizations of that country, welcomed the decision of the Provisional Government of Eritrea.

In the Transitional Charter of Ethiopia, which it adopted at the end of its session, it committed itself to respecting the results of an Eritrean referendum and further made it clear that the referendum shall entirely be an Eritrean affair.

On 7 April 1992, the Provisional Government of Eritrea issued a Referendum Proclamation, by which a commission to organize, conduct and supervise the said referendum was created.

The Referendum Commission is an independent organization which is committed to an internationally observed, free, fair and impartial referendum.

As Referendum Commissioner, and by the powers vested in me by article 6 of the Proclamation, I have the honour to invite Your Excellency to send a delegation of the United Nations Organization to observe, and to verify the freeness, fairness and impartiality of the entire referendum process from its beginning in July 1992 to its completion in April 1993.

(Signed) Amare TEKLE
Commissioner